

The Daily Green Mountain Freeman.

VOLUME I.

Freedom: its Interests, its Rights, and its Honor.

NUMBER 43.

BY C. W. WILLARD.

MONTPELIER, VT., MONDAY, JUNE 3, 1861

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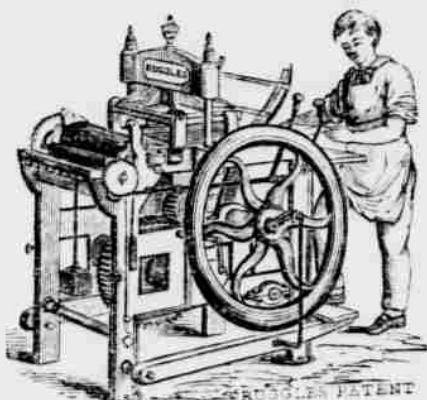
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The Daily Freeman.

MONTPELIER, VT.,
MONDAY, JUNE 3, 1861.

From the Wheeling Intelligence, May 29.

Advance of the Federal Troops into Western Virginia.

The passage of the troops who left the depot on Monday morning has been one continued ovation, as far as they have gone. We went down on the train carrying the troops from Camp Carlisle, the Ohio Regiment coming soon after. Those who witnessed the parting scenes at the depot will not soon forget them. Some of them were very touching. At Benwood, one mother who had come out to exchange the parting word with her son, said, with tears standing in her eyes, as the train rolled away: "Go; you leave behind you sore hearts, but all will be well when you return." And a gray haired sire, at the same place, hobbling on a cane shouted after the train as it moved away: "I have three sons with you now, and I wish I could go myself." Such was the spirit manifested everywhere, and a corresponding feeling pervaded the hearts of the men.

All the way out through Marshall the utmost enthusiasm was awakened by the appearance of the soldiers. They had not known them to be coming, but they divined at once their mission, and the most joyful excitement was everywhere exhibited. Owing to the alarming reports of the night before, rumors that Southern troops were approaching, we found crowds at every stopping place, who cheered the trains as they passed, with wild vehemence. At Glen Easton we found a company of twenty five or thirty eight riflemen, and further on passed another company of them numbering perhaps forty, all marching towards Cameron, which they heard was to be attacked and burnt by State troops. At Cameron we found a crowd assembled of some three hundred, perhaps, who insisted in standing out in a pelting rain and cheering the soldiers nearly all the time they were there. The report of the advance of Southern troops had been received the night before, and a hundred riflemen had been under arms, guarding the town all that night; and at this time men with rifles on their shoulders were coming in from all directions, word having been sent out the night before. It really looks just like what we read of as having taken place in the days of '68, when men left the plow standing in the furrow, dropped the uplifted hammer, and rushed to the defence of their country. At every station and every house people greeted the soldiers with cheering and the waving of hats and handkerchiefs, and the women and girls, when they had no handkerchiefs, waved their bonnets and aprons. The men returned all the salutations, and enjoyed the demonstration immensely.

At one house by the roadside an old lady, who seemed excited to the highest pitch, waved her hand till the trains were past, and then gave vent to her overwrought feelings by yielding to a flood of tears. Such was the exuberant joy with which the people, alarmed but the hour before by undefined apprehension, welcomed the appearance of their defenders. Our trains reached Mannington a little after noon, and the appearance of the troops there, as everywhere else, took the people completely by surprise. They had heard, however, that a train was coming from the West, and, as this was unusual since the burning of the bridges, a considerable crowd was at the depot waiting. As the trains rolled in, they displayed the American flag, and with that, and the gleaming of a thousand bayonets, the people almost went wild with enthusiasm. In a very few minutes the whole town was there, and the gladdest set of people a man ever laid eyes on. Their joy scarcely knew bounds. Hardly had the soldiers been there five minutes, till they had arrested and under guard as many Secessionists.

The train soon after moved on down to the first burned bridge, where the men disembarked and paraded in a meadow. Col. Kelley then detailed six companies and started for Farmington, a notorious secession nest, some three miles below, from which it was said the men who burnt the bridges had come, and where it was stated some fifty armed secession troops were stationed. Meanwhile, the remainder of the troops stacked arms, after throwing out pickets and scouts on the neighboring hills, with orders to bring in any persons they might find. In less than ten minutes after their arrival, they brought in six, some of whom it was positively asserted by some Union men from the country around were accessory to the destruction of the bridges. Squads of men continued to go out in different directions, and to bring in prisoners, until they must have had at least a dozen under guard at once. Several of them were released after an examination by the officers, but at least six or eight were retained until the return of Col. Kelley. It was rather exciting to scouts, or "Snake Hunters," as they style themselves, on a trail. As certainly as they would spy a man anywhere in sight, a squad of them would seize guns, and start after him on a run, and before very long, would bring him in; for they were sure of their game if they got eyes on it. The prisoners were all treated with the utmost courtesy, but nevertheless some of them looked terribly frightened.

In the evening the companies returned from Farmington, bringing with them several prisoners, and reporting that their scouts had killed one Secessionist and wounded another. Finding the town deserted, Col. Kelley ordered his men to scour the woods surrounding it, and it was not long till they had unearthed several of the fugitives, most of whom they captured. The men who were shot were running from their pursuers, who called out to them to surrender. Not heeding this, they were told

that they would be shot unless they did. No attention was paid to the command, and several shot were fired, killing one instantly, and wounding another.

The Ohio Regiment reached Mannington Monday evening, just dark, having felt their way over the road, examining all the bridges to see that they had not been injured. The whole town assembled to receive them. They paraded in the street, while their band, a superior one, played the "Star Spangled Banner" and other airs. At the conclusion, the crowd gave three cheers for Ohio, which compliment was returned by the Ohio men, who gave three for the citizens of Mannington. The citizens then proffered their houses for quarters for the soldiers. Some were put in the church, some in the Odd Fellow's Hall, others at the hotel, others in the private houses, until they were all provided for, the people all manifesting the most cordial feeling for them.

And well they merited such treatment, for besides that they came here to protect us, they are a splendid set of fellows—tall, handsome and soldier-like in appearance, and dignified and gentlemanly in demeanor. They were immensely pleased with their reception all along the road, and particularly with the substantial compliments of the good people of Cameron and Belton. The citizens of Cameron were taken by surprise by the train that conveyed the Wheeling Regiment, but learning that more were on the way, they went to work and got together all the provisions in the place, bread, pies, cakes, a barrel of crackers, meat, butter and eggs, and had them all boxed up and ready for them. By the time the Ohio men reached Cameron there had collected from the surrounding country some 800 or 1000 people, who received them with enthusiastic demonstrations. The men got out and mingled with them, shaking hands with all, men, women and girls. Their band performed a few pieces: their captain made a little speech, and they jumped aboard the cars and went on their way rejoicing at the load of good things that had meanwhile been piled into the provision car. At Belton they received a similar donation, and all along the way they were greeted with still stronger demonstrations of joy than were showered upon them elsewhere.

An experienced telegrapher accompanied the troops to repair the lines and keep up communication with Wheeling.

The Baltimore correspondent of the Philadelphia Inquirer, writing under date of May 29, says:

"The particulars of the retreat of the rebels from Grafton, and the occupation of that place by the Ohio troops, are interesting, and indicative of the courage and bravery of the Southern forces. Grafton was occupied by five thousand Secessionists, and they had an open railroad behind them, and a telegraph by which they could summon to their aid ten thousand more troops, as there are certainly that many more within a day's journey of them. Yet on Monday night, at the mere intelligence of the approach of the terrible Buckeye soldiers, they ingloriously fled. In such great haste was the flight conducted, that the advanced guard of the Ohio troops, on entering Grafton, found the meat and vegetables prepared for the next meal, all ready for cooking, and enjoyed a hearty repast on the provender of their foes. Truly, the name of Gen. McClellan must be a terror to these evil-doers!"

The Ohio troops, under Gen. McClellan, marched into Grafton and took possession of the place without opposition. On going to the telegraphic office it was found that the rebels had carried off the recording instrument and other apparatus, so that the success of the expedition could not be telegraphed either way. A courier was promptly dispatched to Parkersburg for telegraphing apparatus, and an account of the retreat of the rebels telegraphed from there."

HUMORS OF THE WAR.—One of the Rhode Island troops at Washington writes to the Providence Journal as follows:

"Pigs are common, many messes having a dog, and two or three have villainous crows that have grown quite tame, and go hopping around and snap at caressing fingers. The Marine Artillery have bought a small colored youth from his own mother, for the extravagant sum of fifty cents, and hold him as chattel. He is an interesting child—so quick and discerning. The Marines are very proud of him, and are violently debating the sort of costume in which he shall be arrayed; in the mean time he is in several suits of several sizes. This ingenious youth the other day stole a crew from a mess, swapped it off for a pie, ate the pie, stole back the crew and returned it, and was detected and well thrashed, the whole transaction occupying some twenty minutes. The only work for which he appears to be adapted is clearing off the table, and this he does by eating all that is left. The age of this precocious child is twelve, and he looks the own brother to the 'What Is It.'"

The Southern Literary Messenger, for years published at Richmond, and formerly a magazine of some pretensions, contains in its May number its full assent to the new dogma—the revival of the foreign Slave-trade. This is progress; it is more, it is patriotism. It is some sacrifice, for the sake of the new Confederacy to yield the claims of Virginia to those of Dahomey. Virginia, as the gauge of her fealty, accept the brunt of the war and free trade in negroes. Could self-consecration further go?

Some time Monday night a flash of lightning entered the telegraph office at Rutland, and melted parts of the wires for the distance of several feet; fragments of the melted wires were scattered about the floor, and the wood-work near which they were situated blackened almost to a coal.

Important Principles of Public Law.

THE POWERS OF THE PRESIDENT AS COMMANDER-IN-CHIEF.

The following opinion is from the author of *Gardner's Institutes*, and is published, by request, for the information of the public, and in defence of the President and his patriotic Cabinet.

The powers of the President, as Commander-in-Chief of the Military and Naval forces of the United States, are very extensive in time of war with foreign enemies or in rebellion with traitors in arms or civil war.

The Supreme Court of the United States decided that the civil Government organized over conquered Mexico by the President, and administered by our naval and military officers, was legal and effectual, as well as the establishment of a tariff in the conquered ports. (9 Howard's U. S. R. 603.) (16 How. 164.) (Gardner's Institutes, 601, 608, 268, 194, 78.)

These authorities and the common judgment of all patriotic men show the correctness of the following principles of public law:

I. That an American army in a hostile foreign country or rebel State, which resorts to violence, to attacks on the National Army, to destruction of bridges, railroads and telegraphs, to cripple the power of the Federal Government and of its armed defenders and supporters, is vested, with full military jurisdiction, so far as the President shall order, as Commander-in-Chief, to displace the civil and enforce a military Government. Self-defence, a universal right, shows the propriety of this rule. (Gardner's Institutes, p. 27, 536, 595, 679, 683.)

II. That such power extends to all civil and criminal offences, to the extent of such order, including those that are capital. The President will, of course, use the power with caution and a sound discretion. (Gardner's Inst., p. 208, 193, 195, 601, 608.)

III. That if martial law is so ordered to be proclaimed in a rebellious State or city, either in arms or ready to take arms, to attack the Federal forces, or forces or Capital, or that furnishes soldiers or munitions to the rebels, the military officer in command may establish a civil military government and enforce it by arrests and trial by Court martial, and even condemn traitors to death, if the sentence is approved by the President.

Of necessity no habeas corpus will be regarded where arrests are so made by the President's order. This writ, in its legal application, must not be allowed to become an ally of rebels and traitors, a destroyer of freedom, instead of its defender.

IV. By virtue of this high martial power, in time of war and rebellion, the President and officers acting under him may destroy property, public or private, to keep it from the use of a rebel or enemy, or he may close all the rebel ports, and prevent all coasting and foreign trade; and may stop all commerce with rebel States to destroy the resources of the rebels, and compel obedience to the National Government. (Id. and p. 538.)

V. By the same martial power, the President may march the United States forces into and through any State, and form camps therein, to attack the rebels and put down their forcible resistance to the Federal authority; or he may station them in any State and erect forts there, for that or any other national object, and a forcible opposition to such Government acts by any citizen of any State is treason. (Gardner's Institutes, pp. 323, 332.)

VI. The opening and shutting of the rebel ports is a domestic matter, with which foreign nations have no right to interfere in any manner; and every vessel that trades or attempts to trade with the closed ports, in defiance of the military order of President Lincoln may be seized and confiscated. (Gardner's Inst., 538 518, 19, 94.)

VII. That as the traitorous conspiracy of Davis, Toombs, Cobb, Floyd & Co. is not a nation, and never will be, the rebellion is wholly a domestic affair, and any act of any foreign Power recognizing it in any manner, either by granting validity to Davis' piratical letters-of-marque, or by insisting that the ordinary public law of nations shall be deemed applicable to our domestic military blockade of rebels, every such Power must be held an enemy to our Republic, and treated accordingly. (Id. pp. 2, 220, 225, 382, 304, 148, 152, 500, 512, 527, 633, 658, 522, 524, 528.)

VIII. This high military power will authorize the President, by his army and navy, to seize all slaves belonging to rebels and traitors as they have been, and are used to erect rebel fortifications and perform military duties in attacking our forts and armies) as contraband of war; and we may properly employ the rebel slaves in similar military duties in defence of the Federal forts, forces and Federal authority. Our able Gen. Butler has aptly applied this principle to a recent case. The principle is capable of extensive and useful application.

IX. The President's civil powers in peace, though great, are small, indeed, when compared with the high constitutional military and naval authority in time of war and rebellion, when the universal maxim, *populus supremus*, gives the rule of executive law and action.

X. Where the President has a military discretion to decide an act, no Court or Judge can review his judgment or control his constitutional action.

DANIEL GARDNER.

New York, May 28, 1861.

HEAR AND MEDITATE.—Philip Henry notes in his diary the saying of a pious hearer of his own, which deeply affected him: "I find it easier," says the good man, "to go six miles to hear a sermon, than to spend one quarter of an hour in meditating and praying over it in secret, as I should when I come home."